languages properly grounded in this coun try, properly firmed up in this country at the, foundation level. And we would like to come before the House with whatever proposals merge after the discussions. ' I . would like to assure the House that we are fully conscious of the importance of classical languages in the learning of lan guages in general. That is all that I could say at the moment. I do not'want to go " into details because details are still being worked out. .

Sir, I think I have done. Thank you very much.,

THE VICE-CHAIRMAN (SHRI G. SWAMINATHAN): The next item on the agenda is the Payment of Gratuity (Amend-ment) Bill, 1987.

THE. PAYMENT. OF. GRATUITY(AMENDMENT) BILL, 1987

THE MINISTER OF STATE OF THE, MINISTRY OF LABOUR (SHRI P, A. SANGMA); Sir, I beg to move:

"That the Bill further to amend the Payment of Gratuity Act, 1972, be taken into consideration. "

As the hon. Members are aware, the Payment of Gratuity Act, 1972 provides" ′ for a tgeheme for payment $_0$f gratuity to the. employees employed in factories, mines, plantations, oil fields-, ports, railway companies, shops and certain other establishments and for matters connected therewith. The payment of gratuity under the Act is, however, at present restricted to the employees drawing w"ages not ex-ceeding Rs. 1600/. per month

Under the Act, the gratuity is payable in the event of- superannuation, retireme. t or resignaioh from service subject to com-pletion of five years' service. The condition *of* Ave years' service does not, however, apply in cases of termination of employment du« to death or disablement. The employees in the non-seasonal establishments are entitled to gratuity at the rate of 15 days' wages for every completed year' of service o^r part thereof in excess of six months, while the employees in seasonal establishments are entitled to 7 days' wages for each season. ' The payment of gratuity is further subject to a ceiling $_0$f 20 months'wages.

The Labour Ministers' Conference held in 1980 and 1982 had recommended in-terali-a that, the time limit for payment of gratuity might be prescribed in the Act itself and that there should bela suitable provision for recovery of interest in cases where the payment of gratuity is delayed. The trade unions have been representing for suitable enhancement in the wage limit for coverage and the ceiling for payment of gratuity. The trade unions have also been demanding the setting up $_0$f a fund for payment of gratuity. The question of funding of gratuity was considered[1] by a Group of Labour Ministers and the Indian Labour Conference held in November, 1985 and they had. recommended introduction of a suitable provision for compulsory insurance of employers' liability with the LIC or setting up of Gratuity Trust Fund under the Income Tax Act, for ensuring the payment of gratuity.

The various suggestions end recommen dations nave been considered and it i» now proposed to carry out sertah amend ments in the Act. Some of the more important proposals for amendments are the following: -—T

l. The wage limit for coverage Under the Act is being raised from Rs. 1600/-to Rs. 250001- per month. An enabling provision is also being made for raising the wage limit for coverage, by a notification, from time to time;

2. The existing ceiling of 28 months* wages for payment of gratuity is being replaced by a monetary ceiling of Rs. 50, 000/-;

3. Provision is being made for pay ment of gratuity within 30 days from! the date it falls due. If the gratuity is not P^id within the prescribed time limit, the employer shall be liable to pay simple interest at a specified rate?

[Shri P. A. Sangma]

Provision is also being made for compulsory insurance of employees' lia-bility to pay gratuity under the Act or in the alternative for the getting up of a Gratuity Trust Fund under the Income Tax Act to relation to establishments employing 500 or more persons.

These ire, In short:, some of the more important amendments' proposed through! this Bill. I hope the Members will welcome the, proposed amendments, which are of non-controversial nature.

With these words, I commend the Bill for the consideration of the House.

The question was proposed,

SHJU SUKOMAL SEN (West Bengal): Mr, Vice-Chairman, this amendment Bill to amend' the Payment of Gratuity Act should have come much earlier. *The* original Bill was passed in 1972. $_s$ During th$_e$ last 15 years, so m'any things have changed. Anyway, better late than never. The hon. Minister has come up with this Bill to make certain improvements in the provisions of the Act. Here, what I would like to say is that whatever improvement^ envisaged in the-Bill fall far short of the needs. That is why I would *Mt* to suggest some improvements which, if accepted by the hon. Minister, will be beneficial to the workers in general. Therefore, at the ou^et, I would request the hon. Minister to give a sympathetic consideration to the points which I am going to refer to, by way of amendments to the Bill, in a progressive direction.

Sir, the concept of gratuity is changing. Gratuity should be. available, for the period for which the employer-employee relationship exists. I think, gratuily should be available for this entire period. In the original Act, the provision is that a worker must serve five years for entitlement to gratuity. Not only that. You know. how-ope year is calculated. "Seventy five per, cent of 240 days in a year of completed service should be there' for entitlement to gratuity. This is the original provision I suggest that this should be amended. Instead of five years, it should be one year. One year's completed service- should be taken for the purpose , *of* entitlement to gratuity. For the purpose of computing this ons year, instead of 75 per, cent or 240 days in a year should be brought down to 50 per cent.. This is because 240 days of service is not always possible due to le'ave, holidays etc. Therefore, I suggest that it should be brought down to 50. per cent for the purpose of entitlement to gratuity.

Then, ther© is another point. Gratuity is calculated on the basis of 15 days wages for one completed year of service. This is as per the original provision.. This is not at all sufficient for any worker. As I said, the concept is changing. Emoluments and other benefits of the workers are t° be improved. Therefore, gratuity cannot fall behind. That is why I suggest that this should be changed to one month for every completed year of service.

There is another, l'acuna in the Bill. The ceiling has been raised from Rs. 1, 600 to Rs, 2, 500 per month. It is said here 'for the words 'one thousand and six hundred rupees per mensem', the words 1fcwo thousand and five hundered rupees • per mensem? or such higher amount as the Central Government may, having regard to the general level, of wages, by notification, specify, shall be substituted. As per the original provision,. the ceiling is Rs. 1, 600. Now, this limit has been raised to Rs. 2, 500. There is a. provision here that this could be higher also, as per notification by the Government. The maximum gratuity which is laid down in the original Bill is 20 months pay: It is being replaced by a monetary ceiling of Rs. >50, 000. If you calculate* it, you will . find that 20 months pay comes. to Rs. 50, 000. Therefore, it is not an improvement. in any reW sense. Here, J would like to draw the attention of the,. hon. Minister to the other provision in this amending Bill, which I pointed out earlier. This says Rs. 2, 500 or such higher amount as taay be prescribed. Supposing", the pay goes up in the subsequent year to Rs. 2, 600 or Rs. f, 700. Then, this ceiling of Rs. 50, 000 cannot remain. Tne provision should be, Rs. 50, 000 but not less than 20 months wages. It. should be 20 months

wages. It is a must. It should never be less than 20 months wages. You can retain the limit of Rs. 50, 000 but you should qualify it by saying 'but not less than 20 months wages. ' A worker should be entitled to a gratuity of 20 months wages. He should not be paid less.

There is another point. Now, the h'on. Minister has agreed. I need not *gff* into the details. la the Statement. of Objects and Reasons of the Bill, it has been mentioned that defaulters will. b»"
' punished, owners will be wnished ' etc..
, But punishment is a different thing. Once the default is esftatol&hedl, he will be punished- and there is some provision of punishment, but I fell that like the Provident Fund Board, which oversees whether the provident fund money is being 'deposited or not, there should be a gratuity board *to* oversee whether this amount" of gratuity is properly credited or it is being misutilized. If it is misutilized by cqm- " panies, it will toe difficult for the workers to get the gratuity after retirement, after; death or after premuature retirement. That is why I suggest that like the Provident Fund Board there should be. a gratuity board to oversee whether the igratuity is pai'd to the workers.

These are some, of my suggestions. I would request the hon. Minister to see whether he can accept my suggestions. If the suggestions are accepted, I feel the worker$_s$ will be more beneficed.,.

SHRY PRITHIBI MAJHI (Assam):, Thank you, Mr. Vice-Chairman, for giving me an opportunity to speak on the Payment of Gratuity (Amendment) Bill, 1987. In this regard I must congratula e the dynamic Labour Minister, Shri P. Sangma, for bringing forward this amending Bill. This is the second step that (has been taken -for the welfare of the workers. Th$_e$ earlier one was the' Act relating to the child labour.

Now, Sir, 1 wholeheartedly welcome the amenHing Bill which intends *to* give wider coverage of the workers raising the "salary limit to Rs. 2500 in place of Rs. 1600 per mensem for the purpose of payment of gratuity. The amendment; wili benefit th© workers as it' intends to check recalcitrant employers to pay the dues in time..

Since the date of passing this Act, *it* -has been the experience that many workers could not avail themselves of the benefits conferred on them under this legislation due to indifferent or un-co operative attitude of the employers regarding proper implementation of the Act. For instance, the Assam Tea Corporation, Government of Assam undertaking, here the workers do not get the settlement even after their death. Delays of three to four years in payment are very com. mon. Even a social security legislation like this could not bring an impact on the minds of workers. Sir, it i$_s$ sad that even the Government undertakings are not settling the accounts. Then, what would be the position about the private concerns? Part IV of our Constitution mostly speaks. . for the welfare of workers and backward sections of our country. The States have an obligationto safeguard their interest working conditions, - education, etc; So, the States should take keen interest in implementing the legislation. Otherwise, no fruitful result will come out.

It is my experience in Assam. There are so many tea gardens, about 800 or so, and there are many other factories. In regard to payment of gratuity, it has be; come the tendency of the employers to
delay settlement, advancing so many pleas.
Therefore the Central Government must take bold steps in implementing the legis lations. The proposed amendment of the penal clause is no doubt a corrective mea sure to ensure douWy the spirit of the Act. .

In the main Act, I want some clarifications. In the main Act, there is a provision un'der, Section 7 enjoining upon the retired workers and his or her nominees to apply for gratuity, payment mentioning. each claim- But it known to all, and as I have mentioned, that a majori^{f}y of the Workers are illiterate and if we compare . the percentage of workers in all establishments with the rest of the population, M will be found that the percentage of illiteracy is so less. If that is the position, then how will the worker apply and file his claim for gratuity? At thie same time they are quite ignorant about their claim under the Act Ag a result some employers get the opportunity to explain 'he cause of delay as being due to non-recei- '

[Shri Prithibi Majhi]

pt of the application in time.. This section also should be clarified in a mannei where illiterate workers can also avail ol the benefit without any hindrance.

The definition of "continuous service" in section 2(c) of the main Act also needs clarification Oj- simplification because in tea gardens—I am concerned with tea plantation workers—the workers of the tea industry are governed by the Tea Plantation Act. This section refers to leaves, -both sick and earned, and such leaves are governed by the Plantation Labour Act. As such, leaves availed of in excess of the mandatory provisions are treated as unauthorised leave. Here in the amendment section it is said that it should be a continuous service. 3ut according to Tea Plantation Act, there might be some breaks in service if any worker takes excess leave, and such workers returning to work after availing of leave in excess ot the mandatory provision may have a break in service, depriving him the gratuity benefit for his past service. It is my experience that workers suffer inconvenience as the age advances and he becomes an easy. ' prey to 'disease. So some protection therefore is necessary to save a worker from such inconvenience.

Lastly, I come to the sufferings of tea . labourers of Assam.. Actually these workers were transported from other parts of the country to Assam to make them work in tea plantations. So they had to leavi J all their belongings in the Stale of theii origin. Now these people are having no lands of their own and no houses at all. So those workers- are regarded as land less labourers. What is happening is that after retirement from service, they are compelled to settle there in the different tea gardens where they spend their whole •life working in that establishment? So, the conditions of the workers are becoming so low that they cannot sen'd their children outside the tea gardens. Therefore, their education and other conditions are becoming so bac(. '

Lastly, ?I must say that in this Hduse so many legislations have, been passed for the welfare of workers. But. this legislations are obserrei more in breach, So, I suggest that the Government jhould take, more care to implement the legislations for the welfare of the working class.

Thank you, Sir.

DR. G. VDAYA MOHAN REDDY (Andhra Pradesh): Mr. Vice-Chairman Sir, I welcome the Bill even though it may add sQme more burden to our hon. Min-, ister of Labour because social legislations are so difficult to implement in our coun try because the industrialists flout them. For example, in the jute industry 75 per ' cent of the jute workers have not got their gratuity settled. So also there isCcrisis in the textile industry. According to our Industries Minister, we have 1, 16, 000 sick industries. Everyday &o many indus'ries are going sick, and the textile labour as well as the jute labour and in the same way several other labour are coming out. on to the roads because of th© cris. s in those industries. It becomes very difficult. The arrears of gratuity, provident fund, go into hundreds of crores, sometimes even thousands of crores. How is the Labour Minister going to manage this huge prob lem without much of support,, without many labour courts, without much" of s'aff? I think it is a situation which can be grappled by our Labour Minister provid ed that he gets adequate support from the Government of In'dia. 1 hope, he will be able to achieve this. ;

As far as this particular legislation is concerned, it has been said that industries employing more than 500 labour will have the benefit of the gratuity fund. I think this is too upper a limit because this bene-(fit should cover even- smaller, industries. I think that industries, employing 50 persons, must be permitted to have the graj tuity fund, and insurance coverage should also be provided. With the insurance coverage, I think, the problem may becom-less. But, however, 'the problem exists because there are a number of lock-outs, lay-offs, discontinuance in service. Nobody is bo'hereSi about seasonal employees. There are records. About temporary employees, it is worse. Everybody is registered as temporary. It is fancy to register most of the employees as temporary. Even after ten years, one remains temporary. He does not have any right over the

industry, This is also a problem to be looked into. That is why I agree with one of my predecessor speakers, when he said one limit should be fixed because you don't •know when. the industry is going to close and the poor worker is going to be thrown on the road. At least some benefit he should have in the form of gratuity benefit which he has earned as a right by working there continuously. This benefit should be given to him as has been-stated in the law. L, think this will fee accepted by our Labour Minister. In the same way I want'also to state that the defaulters should be taken proper care of esPe" daily when they make the industry sick, and lift, theif han3s. Also in the case of -lockouts and lay-offs, I would like to know what is the procedure that yiju are going to adopt to see that the gratuity cove- ' rage does, not suffer because of this particular fancy of the industrialist class to siphon off the funds and close their industry. These are very very grave aspects of the Indian industry to'day which is in th$_e$ midst of- crisis. Purchasing power of the people is going down everyday, infla-" tibn is everyday going up. In these circumstances this possibility of the Indian ' industry itself is a question mark. That is why in an economy where there is • invitation for imports, in an economy where there is capital ou'flow"from our country, it* speaks very much that the crisis is there and nobody can deny that capital wor'h Rs. 2, 000 crores as per the IMF estimates and Rs. 20, 000 crores as per other estimates has left the country. Capital flow is a worldwide phenomenon and capitalists do like to inVest in places where they can get quick profits and where there is purchasing power. That is • why v I once more congratulate the Labour Minister for get'ing up with this Bill. At the same time I also sympathise with him. I wish godspeed so that he gets enough strength to withstand the onslaughts of the capitalists in our country and sees that this legislation is implemented very effectively.

SHRI V. NARAYANASAMY, (Pondicherry): Thank you fop having given me" Ws oppo^unify to speak, on the Payment of Gratuity (Amendment) Bill, 1987.

•In the year 1981-82, Labour Ministers Conference was held and in the year 1985, . the Indian Labour Conference was held. Suggestions were put forth in those meetings. This Bill is emanating from it. There are three amendments which are sought in this Bill which is beneficial to the employees..

The first thing is that the time limit has been fixed for the purpose of paying the gratuity amount by the employer to the employees. That is one amendment. Secondly, if th nount i$_s$ not paid within the stipulated period the employer is liable to pay interest for the amount which is due to the employee. Thirdly, approved gratuity, if this scheme is introduced, will de-, finitely help the working class; • because workers are lingering, with the management after they are thrown out of jobs. „ They will not be getting the due amount . by way of gratuity within the s'ipulated period. I would like to tell the hon. Minister that this amount of gratuity is equivalent to the pension paid to a. retired Government employee. Now, if we see the Fourth Pay Commission recommenda-, 'ions, the 'benefits given to the retired Government servants is much higher. That is 50 per cent of the wages have been considered for the purpose of paying them the pension amount. While. considering that recommenda'ion, the hon. Min'ster should also see whether there i$_s$ any marginal increase in the payment of gratuity to the employees, I would like to suggest this scheme ^{w}iU go-in letter and spirit. We say

that this. Bill is • applicable to the casual labourers, but it is not so. I would tell why. Because casual labourers are em ployed either in railways or in public sec tor undertakings and also in private sector undertakings They employ the workers in such a way that the worker won't g^{el}- the "benefits under this Bill. They give break of service and employ him afresh, and thereby they skip over this Bill. This is happaning in railway department, pub lic gectoi undertakings and private sector

. undertakings every year. I would like *to* know from the Minister, what steps he will take to protect the casual labourersemployed *in* railway^ public and private sector undertakings. I would like to say

that th© worker who is employed as a

. [Shri V. ᵛ Narayanasamy]

casual labourer is interested only in his job. He fs not bothered about the payment of gratuity or provident fund or any other thing, but he will be very much interested to secure a job. Why there is ^ a lot of casual labourers employed even now' in public sector undertakings and railways? Therefore, it is the duty of the Labour Minister and his Ministry to see that the services of those employees are regularised. I would like to submit that for the past 20 or 30 years • why casual labourers are being employed in railways? Only a few of them work on regular basis and 75 per cent of them are working as casual workers. Therefore, this Bill is not going to benefit them unilaterally.

Let u8 take small-scale industries. In our country we have got lot of small-scale industries. For the purpose of getting benefit under this Bill, persons employed in the small scale industry should be ten, or more. I will pose a question to the Minister; At the time of starting a small scale indus ry, the employer employs about 15 persons and then he will retrench some workers an'd the strength comes to 9 or 8, what will be the fate of those employees who have been employed at 'he time of smarting the industry? There is aothing for them in this Bill, why they have to employ 10 persons for giving[1] Benefit of the gratuity? According. to tlM Bill, the benefit given to the employee if 15 days' wages after completion of one year service. In that case they \Tiave tc employ minimum 10 persons for the pur pose of get'ing benefit under this 8*11. I would like -to say that this categorization of keeping ten or more workers is to be removed and even if the number is two or three they should be given the benftt because the hon. Minister has said thay the benefits should go to the employees, That is the purpose behind it. That being the case, there cannot be 10 or more pes sons to categorise the workers for get* ting 'he benefit under this BUI. Why has there been delay in bringing this Bill before this House? I", do hot I IcnOw? We have been saying that we are for the workers. We wanted to protect the interest of, the workers. In 1980, the Labout Ministers Conference wag held; ' Match \ess suggestions had been given in the conference. In. 1982, those suggestions ha<J t>een reiterated. In 1985 also, the same suggestions had been unilaterally made, but now, we are seeing the fate of the Bill today, i. e. 1987. Therefore, the hon "Minister has to reply why there is such *g ′* long delay in bringing this Bill which would definitely help the working class Sir, we find, under the payment of Gra *uty Act, crores and crores' of rupees are due from the employers, which they haw not paid to the employees. That beinp the case this gratuity fund should go to the employee at the time when he goei out of job for the purpose of settling hir family. More attention should be given after his retirement. Therefore, th, is Acf is a correct and real social legislation which will protect the interest of the em ployees. Even today, we have seen that in number of private managements, thf gratuity amount hag not been paid to th< employees under the pretext that the legaf applicant has not come. If the person ha? rlied,, the legal heir has not come and if thp, employee goes there, they create a depute saying that no, no, you have no* worked for 20 years; You have worked only for seven or eight years. So, let the hon. Minister say in how many States the litigation is penfting for payment of gra-^tuity under one pretext or the ether by the employers to delay the payment *of* amount due to. the employees. Therefore, undnr these circumstances, I quite welcome one of the amendments by which a , time limit has been accepted and time* limi* has been fixed for the purpose of payment of gratuity to the employee within one month. Sir, I am surprised to see the latter part of the Bill. In section 3A, it is stated, if the amount of gratuity payable under sub-section 3 is not paid, by the emrtoyer within the period. specified in. rub-section 3, the employer shall pay from the date on which the gratuity becomes payable to the date on which it paid a simple interest at such rates, not ' exceeding the rate m/ified by the Central Government from time to time for re rvRytnent of long term deposit as the Government may, by notification specify. •

Sir, this is nothing but the savings of the employer. IK is not the saving of the employee, The employee amount is not paid. When he is given the benfit thai

he can collect the interest^ the employer will be enjoying the funds which, has to be paid to the employees because when he gets the money from the Qpmraercial. Banks, he has to pay 24, per cent interest but when it is a question of paying simple interest, the employer will delay payment of the amount, It is quite clear that when we bring the- amendment to protect -the- employees, in an indirect way, We are helping the employer. ^There-' fore, the purpose of bringing the amendment being, thei timely payment of the amount to the employee and also the benefits given to the employee by way of interest, jf it is simple interest, it would benefit the employer and not the employee. Therefore, I bring an amendment that the interest should be a compound interest and also redjfcst that, the term for repayment of long term 'deposits may be removed from sub-section 3-A. Because, if it is a long-term deposit the interest, will not more than H per cent; if it is on the basis of regular bank interest payable in commercial transactions, it may be even 14 to 15 per cent and, therefore, -the benefit will go to the employee and not to the employer and the purposeof this amendment Bill, to create a fear in the minds of the employer and to direct jhimi to pay the amount, will be fulfilled. Therefore, I seek this amendment: of having compound interest and deleting this clause from the Bill. There is nothing more to say on this. There Is one interesting factor -which is very welcome. A provision is being made that in case an employee who is entitled to gratuity dies in service and his legal heir happens to be a minor- the amount should be deposit- ' ed in bank. This is also a. very valid * provision which will definitely help ' the minor heirs of the employee. '

I request the honourable Minister kind-«ly to consider the ameridrnents which I have brought forward because it will be in the interests of otft the employee and the. employer and it will help both of them With these words I conclude. Thank you.

श्री कैलाशपति मिश्र (. बिहार) : उपसभाध्यक्ष महोदय, सबसे पहले तो मैं नौजवान लेबर मिनिस्टर को बधाई देना चाहता हूं । बिल को देखने से सचमुच ऐसा लगता है कि वह सच्चे अर्थ में मजदूरों के प्रतिनिधि हैं । विधेयक आया है 1980--82 में लेबर मिनिस्टर्स की जो कान्फरेन्स हुई थी और 1985 में लेबर मिनिस्टर्स कान्फ-रेन्स अनुशंसा के आधार पर हुई उसको लेकर है । मैं एक चीज कहना चाहता हूं कि विधेयक का पूरा प्रारूप देखने के बाद जो कुछ भी हम निर्णय लेते हैं वह पूर्णरूप से जिस कारण से लागू नहीं होता है शायद उस कारण को हम पकड़ नहीं पा रहे हैं । हिन्दी में कहावत है -- तुम डाल-डाल मैं पात-पात । हालत यहां तक हो गई है कि सरकारी कार्यालयों में एक कर्मचारी जीवनभर सेवा करने के बाद जब बाहर निकलता है तो निश्चित है कि उसको इतनी पेंशन मिलनी है, इतना प्रोविडेंट फंड मिलना है उसको भी प्राप्त करने में बड़ी कठिनाइयां आती हैं और कई बार उनको न मिलने के कारण सड़क पर भूखों आना पड़ता है और आत्महत्या करनी पड़ती है । अगर केन्द्रीय सरकार के कर्मचारियों को जोड़ दिया जाय तो इतनी बड़ी धांधली चल पड़ी है कि एक स्थान से दूसरे स्थान और दूसरे स्थान से तीसरे स्थान और तीसरे स्थान से चलते-चलते अब तक पूरी दक्षिणा नहीं चुका दी जाती निश्चित, निर्धारित राशि उसे प्राप्त नहीं होती

आपने श्रेणी का वर्णन किया है, तीन श्रेणियों का । क्या तीन श्रेणियों के मजदूरों को ही लाभ होगा ? मेरी समझ में श्रमिक जगत में केवल तीन ही श्रेणियों में मजदूर बंटे हुए हैं ऐसी बात नहीं है इसके बाहर भी बहुत बड़ा क्षेत्र है, बहुत बड़ा भाग है असंख्य मजदूरों का जो उससे जुड़ा हुआ दिखाई दे रहा है । मैं विधेयक में से एक ही उल्लेख कर देना चाहता हूं :

यह जो सटेन अदर एस्टाब्लिशमेंट्स हैं इसका अर्थ क्या है । आज भारत के खेतों में करोड़ों खेतिहर मजदूर काम कर रहे हैं वे इस श्रेणी में कहीं आते हैं क्या ?

. persons employed in factories, mines, 'oilfields? plantations, ports, * railway • companies, shops an'd certain other establishments...

[श्री कैलाशपति मिश्र]

यहां तक कि शुगर फैक्टरीज में सीजनल वर्किंग होती है । दिसम्बर और कहीं-कहीं नवम्बर से क्रशिंग शुरू होती है और मार्च तक या अप्रैल के फर्स्ट वीक के चलते-चलते काम समाप्त हो जाता है । हर साल उस फैक्टरी के अन्दर वही लेबर्स काम करने आते हैं, कोई दूसरे स्थान से दूसरा लेबर काम करने नहीं आता । मैं जानना चाहता हूं सरकार का कौन सा नियम उन पर लागू होता है ? जिससे उसको लगे कि वह भी स्वतंत्र भारत का श्रमिक है, स्वतंत्र देश का नागरिक है । उसको भी यह अनुभव हो कि जिस काम में वह लगा हुआ है, वह जो परिश्रम कर रहा है उस परिश्रम की उसको उपलब्धि होगी । मैं नहीं समझता कि इस विधेयक के माध्यम से ऐसे अनेक खेतीहर मजदूरों, कंट्रेक्ट लेबरर्स, केजुअल लेबर्स और प्रेस में काम करने वाले कर्मचारियों को कैसे लाभ होगा और इन लाखों-करोड़ों कर्मचारियों पर आप इसको कैसे लागू करेंगे ? मुझे ऐसा लगता है कि जो नये कानून बनाये जाते हैं, उनके अन्दर जो धांधलियां होती हैं, उनके संबंध में आपको विचार करना चाहिए और उन कानूनों को कैसे लागू किया जाय, इस पर विचार करना चाहिए। इसलिए आपको ठोस कदम उठाने की जरूरत है । आप जानते हैं कि कर्मचारियों का प्रोविडेन्ट फण्ड कटता है और इम्प्लायर को भी उतना ही फण्ड जमा करना पड़ता है । मैं चाहता हूं कि उसी प्रकार से आप ग्रेजुइटी के संबंध में भी प्रावधान करें, इसके लिए भी नियम बनायें कि हर महीने इतने रुपये ग्रेजुइटी के जमा होंगे और मजदूर को यह पता रहे कि रिटायरमेंट के बाद उसको इतनी ग्रेजुइटी मिलने वाली है । इस विधेयक के अन्दर यह कहा गया है—

> "Provision has also been made for the payment of simple interest at a specified rate if the amount of gratui-. ty is not paid within thirty days from the date it becomes payable. "

मैं यह कहना चाहता हूं कि आपको इसको साफ करना चाहिए । इंटरेस्ट आफ सिम्पल रेट को स्पेसिफाई करना चाहिए कि वह क्या है ? इसमें आगे कहा गया है—

> "Penalties prescribe^ under the Act are being made more stringent"

इन सब बातों को साफ करने की आवश्यकता है । इम्प्लायर ठीक से पेमेन्ट करता है या नहीं, यह स्पष्ट किया जाना चाहिए । वहां पर संरक्षक के रूप में एक लेबर आफिसर जरूर हो, लेकिन फिर भी कर्मचारियों को उनकी जमा राशि नहीं मिल पाती है । मैं आपके सामने बिहार की डालमिया नगर में रोहतास इंडस्ट्रीज लिमिटेड का उदाहरण देना चाहता हूं । लगभग 20 हजार कर्मचारी और उनके परिवार सारी जिन्दगी इस कारखाने में काम करते रहे, उनको अभी तक कुछ नहीं मिला । पिछले पांच वर्षों से वह कारखाना बंद पड़ा है यह कारखाना क्यों बंद पड़ा है और कब खुलेगा, भगवान ही जाने । न तो केन्द्रीय सरकार और न ही राज्य सरकार यह बताने की स्थिति में है कि यह कारखाना कब खुलेगा । इतने हजार कर्मचारियों की ग्रेचुइटी और प्रोविडेन्ट फण्ड का क्या हुआ, कोई भी बताने के लिए तैयार नहीं है । इसलिए मैं यह सुझाव देना चाहूंगा कि जो लूपहोल्स हैं उनको आप बंद करने के लिए जब तक विचार नहीं करेंगे तब तक इस विधेयक का कर्मचारियों को लाभ मिलने वाला नहीं है । इसलिए मैं यह कहना चाहता हूं कि जिस समय ग्रेचुइटी मेच्योर हो जाय, हर कर्मचारी को पता लगना चाहिए कि उसकी ग्रेचुइटी और फण्ड का इतना पैसा जमा हो गया है । ऐसा कोई नियम, ऐसा कोई प्रावधान या ऐसा कोई कार्ड होना चाहिए जिससे कर्मचारी को पता रहे कि उसके इतने रुपये जमा हो गये हैं । आपको सख्ती के साथ यह नियम लागू करना चाहिए । इन शब्दों के साथ मैं इस विधेयक का स्वागत करता हूं । लेकिन यह कहना चाहता हूं कि श्री संगमा जी अनुभव के आधार पर एक संशोधित विधेयक लाएंगे और जिस तत्परता से वे काम करते हैं उसी तत्परता से इस दिशा में भी काम करेंगे । मैं फिर इन शब्दों के साथ सरकार को सावधान

करते हुए इस विधेयक का स्वागत करता हूं ।

SHRI J. P. GOYAL (Uttar Pradesh): Sir, I also welcome the Bill. After section 4, a new section, 4(a) is sought to be added. This is a good provision wherein it has been stated that either the factory or the company to which the provisions of the Act would apply, must get themselves insured. Section 4A, Sub-Section (1) reads as under:

. "4A(1) (2) obtain an insurancein the manner, prescribed, for his liability for payment towards the gratuity under this Act, from the Life Insurance Corporation of India, established under the Life Insurance Corporation of India ' Act, 1956, or any other prescribed insurer*

Again there is a provision to the effect that if this is not done, then they must * have a fund and get themselves registered with the Controlling Authority i_n the prescribed manner. So, in my opinion these provisions are quite good. There are provisions "that^if within one month of the date when the payment of gratuity becomes due, it is not paid, simple inteest will accrue on that amount My ecperince *riense* as a lawyer has been like this. The cases arising out of the payment of gratuity are taken to the Labour Courts, then to High Court and then to the Supreme-Court. There are stay orders after 6^fay orders. The courts go on passing orders. They fiay that they will get interest. It was 6 per cent and* now *H* is 9 per cent. I give an example of a case. The Agra Electricity Supply Company which was Martin' Burn Company was taken over by the U. P. State Electricity Board. It was about 10 years back. The question was ' about payment of gratuity to 32 workmen. The dispute arose and the Labour. Court decided in their favour. The Agra Electri-' City Company was under liquidation. It was taken over by the U. P. State Electricity Board. The matter came up before the Supreme Court. This Supreme Court gjantrd special leave and, of course, the usua order for stay. The Supreme Court decided in favour of th_e workmen after about 7 years. I think that was in the year 1981. Now, it is 1987. In spite of the Supreme Court judgement, p'ayment of not even one pie or any interest thereon has been made. Out of 32 workmen, about 22 are already dead and 10 ar^alive. The application is pending in- the Supreme Court. I am the advocate fop the work men. Ijust Want to draw the attention of the hon. Minister that the U. P. State Electricity Board is a wholly Government Corporation. They are advancing techni cal please and say that it^v cannot pay be cause the Agra Electricity Company had to pay. Things are going $_0$n like that. Of course, you have made a provision in this Amending Bill that simple interest will be paid. Of course, you have also said that there would be a fine of Rs. 10, 000. I would say that Rs. 10, 000/- are nothing for a capitalist. What are Rs. 10, 000 for a capitalists It is pan patta fSt them. Things are going on like that. In foreign countires, millions and millions of dollars are being taken by these companies. We are discussing that. Forget " it. But we all know that Rs. 10, 000 are nothing for" the mill-owners and-others I 6. 00 P. M. would request the hon. Minister t° incorporate imprisonment, may be simple imprisonment.

THE VICE-CHAIRMAN (SHRI G. SWAMTNATHAN): The next Hera has to be taken up. How much time will you take?

SHRI J. P. GOYAL: J shall conclude within a minute.

So, I request that you please bring vigorous provisions. Otherwise, the poor workmen will die of starvation. Of course, his emoluments are stopped immediately if he retires. Than, something must come to him so that he may carry on some "activity in life. '

With these submissions, Sir, I support. the Bill. And I congratulate the hon. Minister for bringing this amendment, V